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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, KEN ALEX, NELL  
GREEN NYLEN, ROBERT HIRST,  
CHRISTINE PHILLIOU, and JEDDA  
FOREMAN, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States;  
DEPARTMENT OF GOVERNMENT  
EFFICIENCY (“DOGE”);  
AMY GLEASON, in her official capacity as  
Acting Administrator of the Department of  
Government Efficiency;  
NATIONAL SCIENCE FOUNDATION;

Case No. 3:25-cv-4737

**JOINT STATEMENT REGARDING  
PROPOSED SCHEDULE ON  
SUPPLEMENTAL BRIEFING**

1 [caption cont'd next page]

2 BRIAN STONE, in his official capacity as  
3 Acting Director of the National Science  
Foundation;  
4 NATIONAL ENDOWMENT FOR THE  
HUMANITIES;  
5 MICHAEL MCDONALD, in his official  
capacity as Acting Chairman of the National  
6 Endowment for the Humanities;  
UNITED STATES ENVIRONMENTAL  
7 PROTECTION AGENCY;  
LEE ZELDIN, in his official capacity as  
8 Administrator of the U.S. Environmental  
Protection Agency;  
9 UNITED STATES DEPARTMENT OF  
AGRICULTURE;  
10 BROOKE ROLLINS, in her official capacity as  
Secretary of the U.S. Department of Agriculture;  
11 AMERICORPS (a.k.a. the CORPORATION  
FOR NATIONAL AND COMMUNITY  
12 SERVICE);  
JENNIFER BASTRESS TAHMASEBI, in her  
13 official capacity as Interim Agency Head of  
AmeriCorps;  
14 UNITED STATES DEPARTMENT OF  
DEFENSE;  
15 PETE HEGSETH, in his official capacity as  
Secretary of the U.S. Department of Defense;  
16 UNITED STATES DEPARTMENT OF  
EDUCATION;  
17 LINDA MCMAHON, in her official capacity as  
Secretary of the U.S. Department of Education;  
18 UNITED STATES DEPARTMENT OF  
ENERGY;  
19 CHRIS WRIGHT, in his official capacity as  
Secretary of Energy;  
20 UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
21 ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the U.S. Department of  
22 Health and Human Services;  
UNITED STATES CENTERS FOR DISEASE  
23 CONTROL;  
MATTHEW BUZZELLI, in his official capacity  
24 as Acting Director of the Centers for Disease  
Control;  
25 UNITED STATES FOOD AND DRUG  
ADMINISTRATION;  
26 MARTIN A. MAKARY, in his official capacity  
as Commissioner of the Food and Drug  
27 Administration;  
UNITED STATES NATIONAL INSTITUTES  
28 OF HEALTH;

JAYANTA BHATTACHARYA, in his official  
capacity as Director of the National Institutes of  
Health;  
INSTITUTE OF MUSEUM AND LIBRARY  
SERVICES;  
KEITH SONDERLING, in his official capacity  
as Acting Director of the Institute of Museum  
and Library Services;  
UNITED STATES DEPARTMENT OF THE  
INTERIOR;  
DOUG BURGUM, in his official capacity as  
Secretary of the Interior;  
UNITED STATES DEPARTMENT OF STATE;  
MARCO RUBIO, in his official capacity as  
Secretary of the U.S. Department of State;  
DEPARTMENT OF TRANSPORTATION;  
SEAN DUFFY, in his official capacity as  
Secretary for the U.S. Department of  
Transportation,

Defendants.

1 The Parties submit this Joint Statement pursuant to the Court’s December 23, 2025, Order  
 2 requesting a “proposed schedule for supplemental briefing concerning the effect of the [Ninth  
 3 Circuit’s amended order” in *Thakur v. Trump*, 25-4249, Dkt. No. 73, “on the pending motions”  
 4 before this Court. Dkt. No. 173.

5 **Briefing:** Since this Court’s Order, Plaintiffs-Appellees moved for reconsideration or  
 6 reconsideration *en banc* in the Ninth Circuit on December 29, 2025, and Defendants-Appellants  
 7 were ordered to respond to that motion by January 21, 2026. *Thakur v. Trump*, 25-4249, Dkt.  
 8 Nos. 74, 75. With respect the issues raised in this Court’s Order, Plaintiffs anticipate  
 9 supplemental briefing addressing the effect of the Amended Order on (1) the pending motions  
 10 regarding grants terminated by the Department of Energy (Dkt. Nos. 154, 156) as well as (2) the  
 11 remaining constitutional claims asserted in Plaintiffs’ complaint and initial motion for preliminary  
 12 injunction (i.e., claims regarding separation of powers and the Fifth Amendment). The Parties  
 13 propose the following schedule for that briefing:

- 14 • Plaintiffs’ Opening Brief: January 30, 2026
- 15 • Defendants’ Response: February 24, 2026
- 16 • Plaintiffs’ Reply: March 6, 2026
- 17 • Hearing: Court’s convenience<sup>1</sup>

18 **Additional schedule implications:** Given the uncertainty the amended order introduced  
 19 about the scope of this case, the Parties agree that the most efficient course of action is to await  
 20 further clarity from this Court and the appellate courts before proceeding to final judgment on  
 21 what may be a subset of the claims. The Parties therefore propose that the Court vacate the  
 22 currently scheduled deadlines for the motions for summary judgment and related Administrative  
 23 Record deadlines (*see* Dkt. No. 152) pending resolution of the motions and appeals discussed  
 24 above.

25  
 26  
 27  
 28 <sup>1</sup> Defendants’ counsel will be out of the country from the afternoon of March 17 through March  
 23, and respectfully requests that the Court not schedule a hearing during this time.

1 Dated: January 6, 2026

By: /s/ Kevin R. Budner

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*Attorneys for Plaintiffs and the Proposed Class*

1 Date: January 6, 2026

By: /s/ Jason Altabet

2 Respectfully submitted,

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4 Assistant Attorney General  
5 Civil Division

6 ERIC J. HAMILTON  
7 Deputy Assistant Attorney General

8 JOSEPH E. BORSON  
9 Assistant Branch Director

10 /s/ Jason Altabet  
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18 *Attorneys for United States*

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on January 6, 2026, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to registered parties.

Executed January 6, 2026, at San Francisco, California.

/s/ Kevin R. Budner

Kevin R. Budner